

REMARKS

Claims 1-26 remain pending. Claims 1, 5, 10, 16, 20 and 24 are independent.

Claims 1-26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohtake (U.S. Patent No. 5,487,180) in view of Shen et al. (U.S. Patent No. 6,118,767). Applicants respectfully traverse this rejection.

It is the Examiner's position that,

Ohtake teaches the concept of using a first channel to determine optimum transmission power level of the second channel from the base station (A, fig. 12A) to the mobile station (a, fig. 12A), based on the power measurement results at the mobile station of the first channel.

See Office Action dated March 13, 2001, page 6, lines 5-8.

The Examiner's position is based on an overly broad reading of Ohtake and lacks support in the reference. Ohtake discloses a method of determining initial transmission power including measuring the reception level of a down control channel from a base station and determining the initial transmission power value of a down talk channel of a base station based on the reception level of the down control channel. See col. 9, lines 54-58. Ohtake does not disclose applying these principles to any other type of signal in the wireless transmission system.

Due to the limited scope of the disclosure of Ohtake, Ohtake does not teach all of the features of independent claims 1, 5, 10, 16, 20 and

24, particularly with respect to the method, controller or paging channel source code segment for determining optimum paging channel power in accordance with a pilot signal strength of a pilot signal wirelessly received by the mobile station.

The Examiner relies on Shen et al. to make up for the deficiencies of Ohtake. It is the Examiner's position that Shen et al. teaches the need for power control of all channels, which implies paging channels, traffic channels, etc. in a CDMA environment to minimize interference in a CDMA communication system to maintain optimum capacity of a CDMA system. See Office Action on page 6, lines 11-15.

While Shen et al. discloses controlling interference in CDMA networks, Shen et al. discusses nothing regarding determining an optimum paging channel power based on a pilot signal strength of a pilot signal received by a mobile station. Thus, one of ordinary skill in the art would not be motivated to combine the teachings of Ohtake and Shen et al. to make up for the deficiencies of Ohtake.

Accordingly, claims 1, 5, 10, 16, 20 and 24 are allowable over the prior art.

Regarding dependent claims 2-4, 6-9, 11-15, 17-19, 21-23 and 25-26, these claims are allowable for at least the reasons of their corresponding independent claims. Therefore, Applicants respectfully request withdrawal of this rejection.

CONCLUSION

For the foregoing reasons and in view of the above clarifying amendments, Applicants respectfully request the Examiner to reconsider and withdraw all of the objections and rejections of record, and an early issuance of a Notice of Allowance is earnestly solicited.

The Examiner is respectfully requested to enter this Amendment After Final, in that it raises no new issues but merely places the claims in a form more clearly patentable over the references of record. In the alternative, the Examiner is respectfully requested to enter this Amendment After Final in that it reduces the issues for appeal.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Jayne Saydah (Reg. No. P-48,796) at (703) 205-8000 in order to discuss these matters.

Pursuant to 37 C.F.R. 1.17 and 1.136(a), the Applicants respectfully petition for a two (2) month(s) extension of time for filing a response in connection with the present application. A check in the amount of \$390.00 is enclosed herewith.

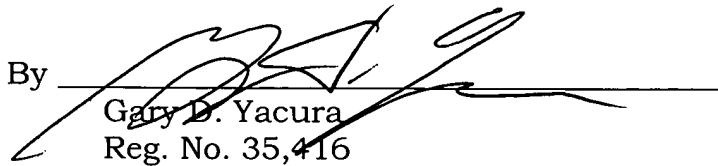
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. **12-2325** for any additional fees

required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

A handwritten signature in black ink, appearing to be "Gary D. Yacura", is written over a horizontal line. The signature is stylized and cursive.

Gary D. Yacura
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